THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.22952 of 2000

Date:02.12.2010

Between:

T.Venkataiah .. Petitioner

And

The Primary Agricultural Credit Cooperative Society, rep., by its President Bommakal Village, V.Saidapur Mandal, Karimnagar District and others .. Respondents

ORDER:

This writ petition is filed with the following prayer:

> "Issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring the action of the respondents in issuing uncommunicated charge Memo dt.17.10.98 and suspension order dt.20.10.98 is as illegal, arbitrary and ultra violation of the principles of natural justice and in violation of Secs.50, 51, 52, 53 and 59 of the A.P. Co-operative Societies Act, besides being violative of Arts.14, 16 and 21 of the Constitution of India in not initiating the enquiry nor concluding the enquiry within a reasonable time and consequently direct the respondents to reinstate the petitioner will all notional benefits including back wages from the date of suspension order dt.20.10.98 and to pass such other orders as are necessary in the interests of justice".

While admitting the writ petition on 20.02.2010 this Court was pleased to pass the following interim order in W.P.M.P.No.29145 of 2000:

> "The petitioner, while working as Paid Secretary, was suspended, pending enquiry, by the orders dated 20.10.1998. It is his complaint that he has not been paid subsistence allowance since then; and that the first respondent is obligated under the provisions of Section 47 of the A.P. Shops and Establishments Act (for short, 'the Act') to pay the petitioner the subsistence allowance. In the light of the averments made in the affidavit filed in support of the writ petition, the first respondent be directed to pay the petitioner the subsistence allowance in accordance with the provisions of Section 47(6) of the Act, together with the arrears thereon, with effect from the date the petitioner has been placed under suspension, expeditiously in any case,

within a period of four (4) weeks from the date of receipt of a copy of this order, if not already paid. Notice".

Subsequent to passing of the aforesaid interim order, a petition seeking vacation of the said interim order was filed, but this Court, by order dated 25.02.2003, refused to vacate the interim order.

The counsel appearing for the 1st respondent submitted that subsequently the petitioner was reinstated into service on 03.10.2001 and he retired from service on attaining the age of superannuation on 30.06.2004.

In the light of the said interim order, it is clear that the petitioner was paid subsistence allowance and even as per the contention of the learned counsel for the petitioner, the petitioner was reinstated into and retired from service. Therefore, this Court is of the considered view that this writ petition cannot be entertained at this length of time.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

GOPALA KRISHNA TAMADA, J

02.12.2010
KH